



**REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034**

5:30 PM

TUESDAY, AUGUST 04, 2009

MINUTES

Mayor	Mahe Maso	Present
Mayor Pro Tem	Jeff Cheney	Present
Deputy Mayor Pro Tem	Bob Allen	Present
Council Member	Pat Fallon	Present
Council Member	Scott Johnson	Present
Council Member	David Prince	Present
Council Member	Bart Crowder	Present

CALL TO ORDER

Mayor Maso called the meeting to order at 5:30 p.m. and announced that a quorum was present.

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Director of Financial Services, Anita Cothran; Director of Development Services, John Lettelleir; Sr. Traffic Engineer, Joel Fitts; Parks & Recreation, Planning & Business Development Manager, Dudley Raymond; Engineering Services Director, Paul Knippel; Director of Library Services, Shelley Holley; Police Chief, Todd Renshaw; Downtown Coordinator, Janet Mccubbin; Grants Intern, Chris Johnson; City Attorney, Richard Abernathy; City Secretary, Jenny Page and Sr. Administrative Assistant, Stella Barrera.

1. ROLL CALL

CLOSED SESSION

Jeff Cheney moved to recess into Closed Session at 5:33 p.m. Bart Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;

A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:

- i. Discussion of legal issues regarding annexation of land in Frisco's extraterritorial jurisdiction.
- ii. Legal issues regarding housing concerns raised by Inclusive Communities Project, Inc.
- iii. Receive legal advice regarding possible condemnation of fire lane on Preston-Stonebrook Center Subdivision.

B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:

- i. South of US 380, North of The Colony city limits, East of FM 423, and West of Hillcrest Road.

C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Jeff Cheney moved to reconvene into Regular Session at 6:47 p.m. Bob Allen seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mayor Maso announced there was no action needed as a result of Executive Session.

INVOCATION

Pastor David Darnell led the invocation.

PLEDGE OF ALLEGIANCE

Deputy Mayor Pro Tem Allen introduced Boy Scout Troop 298 from St. Francis of Assisi who led the audience in the United States and Texas Pledge of Allegiance.

PROCLAMATIONS

4. Special Recognition for Andrew Chen 2009 US Open Table Tennis
Special Recognition for Peng Li, Coach of Andrew Chen

Rescheduled to the August 18, 2009 Regular CC Meeting.

REPORTS

5. Fusion Check Presentation to Frisco Education Foundation

Sara Kimmich, Nagendra Bandaru, and Laura Chang from the Fusion Organization, presented a check to the Frisco Education Foundation, represented by Executive Director, Allison Miller; Board President, Mary Valentine, and Board Member, Gerald Perrin.

6. Financial Services June 2009 Budget Status Report / Division Indicators

Finance Director, Anita Cothran presented the Financial Services June 2009 Budget Status Report.

7. Library Report on usage and programming activities

Library Services Director, Shelley Holley presented the Library Report on monthly usage and programming activities. The Frisco Public Library reported another record month with 643 volunteer hours.

8. Parks & Recreation Monthly Report regarding Park & Trail Development, Facilities, Special Events and Youth Development.

Planning and Business Development Manager, Dudley Raymond presented report on Park & Trail Development, Facilities, Special Events, and Youth Development. Jeff Cheney commented that the Temporary Dog Park discussion has been postponed until the August 18th meeting.

9. Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects

Engineering Director, Paul Knippel presented Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects. Mayor Maso introduced Paul and welcomed him to the City of Frisco.

Since it was not yet 7:30 p.m., Mayor Maso skipped to the Consent Agenda.

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

No citizens wished to speak.

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Jeff Cheney moved to pull Item 13 from the Consent Agenda. Bob Allen seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Scott Johnson moved to approve the Consent Agenda excluding Item 13. Bob Allen seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Jeff Cheney commented that since he was on the Frisco Education Foundation Board and Councilman Prince was on the Frisco Family Services Board, he remembered that last year they recused themselves from voting and felt they should do the same this year. Bob Allen stated that he was no longer a voting board member but was an ex-officio advisory member of the Frisco Education Foundation.

Mayor Maso skipped to the Legislative Agenda to allow the City Attorney Richard Abernathy to briefly research Item 13.

After addressing the Legislative Agenda, Mayor Maso returned to Item 13 in the Consent Agenda.

Mr. Abernathy stated that there had been a change in the City's Code of Ethics as stated in Ordinance 09-04-25, Section 2(B)(5), Unfair Advance of a Private Interest, that no councilmember who is on the board of a nonprofit organization may vote on any funding request, by that nonprofit organization, unless that organization has a board of directors or trustees appointed in whole or in part by Council; therefore, he would advise against voting.

Jeff Cheney moved to approve Item 13 of the Consent Agenda excluding the funding for Frisco Education Foundation and Frisco Family Services. Pat Fallon seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Frisco Education Foundation board members Bob Allen and Jeff Cheney stepped down from the dais and recused themselves from voting. Bart Crowder moved to approve funding for the Frisco Education Foundation. Pat Fallon seconded the motion.

Passed

Vote: 4 - 0

For: Scott Johnson, Bart Crowder, Pat Fallon, David Prince;

Against: (None)

Bob Allen and Jeff Cheney returned to the dais.

Frisco Family Services board member David Prince stepped down from the dais and recused himself from voting. Scott Johnson moved to approve funding for Frisco Family Services. Jeff Cheney seconded the motion.

Passed

Vote: 5 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen;

Against: (None)

David Prince returned to the dais.

Mayor Maso moved to Citizens Input due to the time proximity to 7:30 p.m.

10. Consider and act upon approval of the Minutes from the July 07, 2009 Regular City Council Meeting and July 6, 2009 Special City Council Meeting. (CSO)

11. Consider and act upon adoption of a Resolution authorizing the City Manager to

execute the Voluntary Interlocal Cooperation Agreement by and between the City of Frisco, the Texas Department of Transportation, the Town of Prosper, and the Town of Little Elm for the operation and maintenance of traffic signals at US 380 at La Cima and FM 423 at FM 720 (Engineering/BM). 09-08-138R

12. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Surface Transportation System Project Agreement by and between the City of Frisco and the Texas Department of Transportation to reimburse the City of Frisco for the cost of equipment provided for the traffic signal at US 380 and La Cima (Engineering/BM). 09-08-139R
13. Consider and act upon a Resolution approving the fiscal year 2010 City of Frisco General Fund Social Service Grant allocations. (CMO/SB) 09-8-140R
14. Consider and act upon approval of an ordinance approving a negotiated resolution between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp, Mid-Tex Division regarding the company's Rate Review Mechanism (RRM) filing. (CMO/AG) 09-08-40
15. Consider and act upon approval of a Resolution authorizing the Housing Trust Fund Board to release additional funds in the amount of \$50,000 from the Housing Trust Fund to support the City of Frisco Targeted Down Payment Assistance Program. (CMO/SB) 09-08-141R
16. Acceptance of Quarterly Investment Report for the period April 1, 2009 – June 30, 2009. (Finance)
17. Consider and act upon authorization for the City Manager to execute Change Order Number 6 to the Standard Form Agreement for Construction Services by and between the City of Frisco and S. J. Louis Construction of Texas, Ltd. for additional services related to the construction of the Rolater Road 42-inch Water Transmission Main (Preston Road to Coit Road) (Engineering/AH)
18. Consider and act upon authorization for the City Manager to execute Change Order Number One to the Standard Form of Agreement for Construction Services by and between the City of Frisco and Archer Western Contractors, LTD., for construction services relating to the Expansion of Frisco Number 1 Pump Station. (Engineering/DLC)
19. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Interlocal Agreement by and between the City of Frisco and Collin County to provide 2009 funding for the construction of Rolater Road from Independence Parkway to Custer Road. (Engineering/JB) 09-08-142R
20. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Interlocal Agreement by and between the City of Frisco and Collin

County to provide funding for the construction of Independence Parkway from Main Street to Frisco North City Limits. (Engineering/JB) 09-08-143R

21. Consider and act upon approval of a Resolution authorizing the City Manager to execute an agreement between the City of Frisco and GSWW Inc. for the evaluation of the sanitary sewer system in the southwest part of the City. (Public Works/KG) 09-08-144R
22. Consider and act upon authorization for the City Manager to execute Change Order Number Two to the Standard Form of Agreement by and between the City of Frisco and JRJ Paving, L. P. for Construction Services for Eldorado Parkway Improvements (Fragrant Drive to West of Castleman Creek Drive) (Engineering/DLC)
23. Consider and act upon award of Bid #0906-045, Frisco Central Fire Station Hardened Room Project, to Brown Custom Building and Remodeling, and approval of a resolution authorizing the City Manager to execute an agreement for these services. (Fire) 09-08-145R
24. Consider and act upon a resolution authorizing the City Manager to execute an agreement with Studio 13 Design Group Inc. for a landscape architecture and engineering services for trail improvements along Lebanon Road and Warren Parkway. (Parks and Rec/DR) 09-08-146R

LEGISLATIVE AGENDA

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Jeff Cheney moved to approve Legislative Agenda. Scott Johnson seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mayor Maso returned to Item 13 in the Consent Agenda.

25. Consider and act upon adoption of an Ordinance to amend Article IV, Section 1.07 (B) of the Comprehensive Zoning Ordinance regarding preliminary site plan requirements. Comprehensive Zoning Ordinance Amendment ZA09-0001. (Development Services) 09-08-41

REGULAR AGENDA

26. Public Hearing: Specific Use Permit SUP09-0002, A Specific Use Permit for a Big Box on one lot on 22.5± acres on the west side of Preston Road 600± feet north of Hickory Street and consider and act to direct staff to prepare an Ordinance of the same. (Development Services)

Jeff Cheney stated for the record that a provision in Local Government Code requires that a Conflict of Interest within the first degree applies to him, and the recently adopted Ethics Code states that a relative within the second degree could possibly apply to him as well. Therefore he disclosed the information, filed the required affidavit with the City Secretary, stepped down from the dais, and recused himself from discussion and voting on Item 26. Mayor Maso stated for the record that there will be five council members voting.

John Lettelleir was present to address the Council regarding Specific Use Permit SUP09-0002 for a Big Box on one lot on 22.5± Acres on the west side of Preston Road 600± feet north of Hickory Street.

Mr. Lettelleir gave information in regard to residential concerns, stated that all the zoning requirements had been met by the developers as well as requirements in regard to the Comprehensive Plan and that the Planning and Zoning Commission has approved the SUP by a vote of 4 to 3 with specific requirements. Mr. Lettelleir also commented that a petition had been received by concerned citizens from the adjacent residential area but the percentage did not meet requirements to impact the vote by Council to direct staff to prepare an ordinance for adoption at the next meeting.

Joel Fitts gave a traffic impact report and commented on recommendations by staff.

Police Chief Todd Renshaw reported on crime rates in comparison to other Wal-Mart stores and other Big Box stores in residential areas such as Kohl's Department store on Preston Road. His report showed no increase in crime in relation to a big box store.

Mayor Maso opened the floor for a motion to open the public hearing.

Bob Allen moved to open the public hearing. Pat Fallon seconded.

Passed

Vote: 5 - 0

For: Scott Johnson, Bart Crowder, Pat Fallon, Bob Allen,
David Prince;

Against: (None)

Dan Millner, representative for Kimley-Horn and who resides at 5750 Genesis Ct. #200, Frisco, TX, the developer for Wal-Mart, handed out a Comprehensive

Plan review in relation to Wal-Mart. (Exhibit A)

Kellie Duhr representing Wal-Mart and who resides at 3800 N. Lamar Blvd, Austin, TX, commented that Wal-Mart wanted to be a good corporate neighbor.

Aysha Moore, architect for the project and who resides at 211 N. Record St., Ste 222, Dallas, TX, commented on the architectural features in relation to conservation, blending with the look of the city, and meeting code and zoning needs.

Joe Gampper, representing Allegiance Development at 14881 Quorum Dr., #950, Dallas, TX and owner of the property, announced that the name given to this area will be *The Hickory Center at Preston* and commented on additional features of the center.

In Favor:

Scott Johnson, 12700 Park Central Dr., Ste 1800, Dallas, TX

Mayor Bob Warren, 7601 Williams Ave, Frisco

Thomas Dalton, 6904 Chateau Dr., Frisco

Demas Lamas, Jr., 7509 Chinaberry Lane, Frisco

Carey Frazier, 8441 Willow Creed Dr., Frisco

Will Russell, 2428 Merrimac, Dr., Frisco

Frank Abbott, 7851 Cottonwood St., Frisco

Buddy Minett, 8548 Scott Cir., Frisco

Susan Abbott, 7851 Cottonwood St., Frisco

Nikki Bayne, 425 Coit Rd, Plano, TX

Sean Merrell, 5002 Lakeland Dr., Frisco

Mike Gfella, 3790 Neptune Circle, Frisco

Clifford Sosaman, 11398 Plainview Dr., Frisco

Bill Woodard, 11545 La Grange Dr., Frisco

Stephen Paz, 1901 Hallow Falls Ct., Frisco

Kim Nicholson, 15817 Christopher Lane, Frisco

Bobby Nicholson, 15817 Christopher Lane, Frisco

Gerald Perrin, 5312 Promise Land, Frisco

William Morgan, 12215 Ashway Lane, Frisco

Ross Bower, 8400 Hickory St. #2202, Frisco

Shelle Steblton, 8400 Hickory St. #1102, Frisco

Tony Felker, CEO of the Frisco Chamber of Commerce, 6843 Main St., does not have a formal position but Wal-Mart on FM 423 has been a good partner.

In Opposition:

April Angele, 8000 Hickory Street, Frisco

Mac Hopkins, 8400 Hickory Street Village, #1302, Frisco

Mike Riccio, 8400 Hickory Street Village, #2501, Frisco

Carolyn Ehrlich, 8400 Hickory Street Village, #1501, Frisco

Kelli Taylor, 8463 Willow Creek Drive, Frisco
Chris Bruno, 9915 Wyndbrook Dr, Frisco
Danielle Pelzel, 7605 Trailway Drive, Frisco
Kristina Clark, 8220 Rock Brook Street Frisco
Theresa McLean, 8400 Hickory, Frisco
Jeanne Patterson, 8301 Bob White Drive, Frisco
Tracey Reveal Shipman, 10141 Calvary Court, Frisco
Fails Darro, 8554 Creekview Drive, Frisco
Darryl Kaip, 8551 Hidden Spring Drive, Frisco
Jennifer Bunch, 7910 Creek View Road, Frisco
Jennifer Blyth, 8449 Brightside Lane, Frisco
Gloria Holdridge, 8400 Hickory Street, Frisco
Bill Taylor, 8504 Creekview, Frisco
Sarah Panizzi, 7912 Brijetta Drive, Frisco
Srivasa Ravella, 9761 Legend Trail, Frisco
Cynthia Cary, 8400 Hickory Street, #400, Frisco
Katherine Lunde, 8400 Hickory Street, #2902, Frisco
Betty West, 8400 Hickory Street, # 1302, Frisco
Mr. and Mrs. Richard Doyle, 8400 Hickory Street, #1301, Frisco
Joanne Westin, 8659 Hummingbird Drive, Frisco
Bob Westin, 8659 Hummingbird Drive, Frisco
Jaqua Crossman, 8400 Hickory Street, #4901, Frisco
Angela Rose, 9732 Legend Trail, Frisco
Joe Rose, 9732 Legend Trail, Frisco
Krishna Kamisetty, 7925 Marine Blue Drive, Frisco
Jennifer Conaway, 7810 Creekview, Frisco
Ravi Ambavaram, 9747 Hickory Drive, Frisco
Mohan Padigela, 9775 Snowberry Drive, Frisco
Kumaraue Shanmugavelu, 9778 Butterfly Trail, Frisco
Nanette Crossman, 8400 Hickory Street, #3101
Carol Dirks, 8099 Hummingbird Drive, Frisco
Eric Townsend, 9750 Windsong Drive, Frisco
Michelle Cummins, 9750 Windsong Drive, Frisco
Shelley Fuerst, 8400 Hickory Street, Frisco
Emily Hardin, 8400 Hickory Street, #1503
James Kirk, 8240 Edgewater Drive, Frisco
Nicole Reenet, 8240 Edgewater Drive, Frisco

Bob Allen moved to close the public hearing. Bart Crowder seconded.
Passed

Vote: 5 - 0

For: Scott Johnson, Bart Crowder, Pat Fallon, Bob Allen,
David Prince;

Against: (None)

Bob Allen moved to enter into recess at 10:32 p.m. Bart Crowder seconded the

motion.

Passed

Vote: 5 - 0

For: Scott Johnson, Bart Crowder, Pat Fallon, Bob Allen,
David Prince;

Against: (None)

Bob Allen moved to reconvene into Regular Session at 10:44 p.m. David Prince seconded the motion.

Passed

Vote: 5 - 0

For: Scott Johnson, Bart Crowder, Pat Fallon, Bob Allen,
David Prince;

Against: (None)

Bart Crowder moved to approve a Public Hearing: Specific Use Permit SUP09-0002, and to direct staff to prepare an Ordinance of the same noted with the recommendations listed as follows:

1. The relocation of the driveway from Burger King due to the construction of the deceleration lane on Preston Road.
2. The widening and reconstruction of Gary Burns Drive between Tomlin Drive and Preston Road as specified in the TIA study.
3. Signalization of the intersection of Preston Road and Hickory Street prior to issuance of the Certificate of Occupancy.
4. The detention area will be designed as an amenity for this development.
5. Seven metal benches will be placed around the detention pond.
6. The façade plans shall be attached to the Specific Use Permit Ordinance.
7. Parking spaces in excess of the minimum 1:250 ratio will be designed and constructed using green engineering principles.
8. Green spaces are to be located along the storm sewer line that will be located in the center of parking lot.
9. Truck deliveries shall be limited to the hours from 6 a.m. to 10 p.m. and that refrigerator trucks shall be turned off within three minutes of parking.
10. The western property line will be relocated 25 feet to the east and the 25 foot wide strip west of the screening wall will be dedicated to Hickory Street Village.
11. An eight foot tall masonry screening wall will be constructed along the new property line.
12. A row of 30 gallon Nellie R. Stevens Hollies will be planted along the western property line to replace the red tip photinias.
13. A row of trees will be planted along the west side of the screening wall per Zoning Ordinance requirements.
14. The maximum size of the building will be limited to 185,000 square feet in area.
15. An irrigation system will be installed and connected to the Hickory Street

Village's irrigation system for the new plantings.

16. Hickory Street Village will take the necessary legal steps to accept the transfer of the 25 foot wide strip of land along the western side of the property.
17. Hickory Street Village will execute any legal documents necessary to provide temporary and permanent easements for construction and wall maintenance.
18. The above steps, Items 15-17, will be taken by Hickory Street Village by December 31, 2009 or the approval reverts back to the Specific Use Permit Exhibit B shown at the August 4, 2009 City Council meeting.

David Prince seconded the motion.

Passed

Vote: 5 – 0

For: Scott Johnson, Bart Crowder, Pat Fallon, Bob Allen,
David Prince;

Against: (None)

Jeff Cheney returned to the dais.

27. Consider and Act on a resolution supporting a request for a Preserve America Designation to the Advisory Council on Historic Preservation. (CMO/CJ)

Downtown Coordinator/Grant Writer Janet Maccubbin introduced Chris Johnson as an intern working for the City this summer. Chris Johnson presented to Council information regarding a Resolution supporting a request for a Preserve America Designation to the Advisory Council on Historic Preservation. 1.16.20

Scott Johnson asked everyone to give Janet Mccubbin a warm send off since she will be leaving the City and moving to Florida this Friday, and this will be her last meeting. Mayor Maso and the Council thanked Janet for her hard work and a job well done.

Bob Allen moved to approve a resolution supporting a request for a Preserve America Designation to the Advisory Council on Historic Preservation. Bart Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

28. Consider and act upon the acceptance of the letter of resignation from Dave Preston, Urban Forestry Board. (CSO)

Bob Allen moved to approve the acceptance of the letter of resignation from Dave Preston, Urban Forestry Board. (CSO) Jeff Cheney seconded the motion. Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

29. Consider and act upon the appointment of one (1) individual to fill the vacant position on the Urban Forestry Board. (CSO)

No action was taken.

30. Consider and Act Upon Appointment of Councilmember to the PID Board (CMO/NL)

Assistant City Manager Nell Lange introduced Mr. Bill Woodard who resides at 11545 La Grange Drive, Frisco, TX, and is the President of the Panther Creek Home Owners Association. Mr. Woodard addressed Council briefly by asking for a replacement to the board in lieu of the expiration of former Councilman Tony Felker's appointment.

Scott Johnson moved to appoint Councilmember Bob Allen to the PID Board. Bart Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

31. Consider and Act Upon a Resolution Calling the Public Hearing for the Fiscal Year 2010 Proposed Budget, the Frisco Economic Development Corporation Fiscal Year 2010 Proposed Budget and the Frisco Community Development Corporation Fiscal Year 2010 Proposed Budget. (CMO/NL)

Nell Lange was present to address the Council regarding a Resolution Calling a Public Hearing for the City of Frisco Fiscal Year 2010 Proposed Budget, Frisco Economic Development Corporation Fiscal Year 2010 Proposed Budget and Frisco Community Development Corporation Fiscal Year 2010 Proposed Budget.

Bob Allen moved to approve a Resolution Calling the Public Hearing for the Fiscal Year 2010 Proposed Budget, the Frisco Economic Development Corporation Fiscal Year 2010 Proposed Budget and the Frisco Community Development Corporation Fiscal Year 2010 Proposed Budget. Jeff Cheney seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

32. Consider and Act Upon a Resolution Adopting the Fiscal Year 2010 Certified Appraisal Roll and approve the Certification of Anticipated Collection Rate and Excess Collections. (CMO/NL)

Nell Lange was present to address the Council regarding a Resolution adopting the Fiscal Year 2010 Certified Appraisal Roll and approve the Certification of Anticipated Collection Rate and Excess Collections.

Bart Crowder moved to approve a Resolution adopting the Fiscal Year 2010 Certified Appraisal Roll and approve the Certification of Anticipated Collection Rate and Excess Collections. Scott Johnson seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

33. Consider and act upon a Resolution authorizing the Mayor to sign an Indemnity Agreement between the City of Frisco and Mr. Al Gibson, and Mr. Richard Belyan, Jr. (CMO)

Richard Abernathy addressed the Council regarding the Resolution and Bart Crowder stated for the record that he had reservations about the City's role in supporting outside litigation on this topic, however would not want to leave a good man like Al Gibson hanging in the wind.

Bob Allen moved to approve a Resolution authorizing the Mayor to sign an Indemnity Agreement between the City of Frisco and Mr. Al Gibson, and Mr. Richard Belyan, Jr. David Prince seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

34. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice

of appeal must be submitted to Development Services. (Development Services)

No appeals were presented.

35. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- Timeline for SUP expiration.
- Look into street restriping, cutouts and cost of a pedestrian bridge on Hickory Street.

36. Discussion on Governance Monitoring of present City Council Meeting.

Mayor Maso gave the Council an A.

ADJOURN

With no further business to discuss, Bob Allen made motion to Adjourn at 12:15 a.m. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

(Please note these are preliminary meeting minutes and are not official until approved by the City Council at the next scheduled meeting.)

Maher Maso, Mayor

ATTEST:

Jenny Page, City Secretary

EXHIBIT A

Comprehensive Plan Review of Walmart:

1. 1.66 - Strategic Focus Areas – City Council gave insight in the focus areas for the framework of the 2006 Comp plan. There are 7 initiatives:
 - a. City Financial Health – Walmart supports balance tax base
 - b. Public Health & Safety – Chief Renshaw will show our record regarding low crime and safety is a top priority. Section also discusses safe water system and we are upgrading infrastructure and building new turn lanes and signal.
 - c. Community Infrastructure – New traffic signal at Hickory, Gary Burns Drive to curb and gutter (3 lanes), fixing Burger Kings driveways, restriping Hickory for safety, and water line replacement in Hickory.
 - d. Unique Sustainable Community – Walmart has never closed a Supercenter and is committed to this store. We have doubled the open space and tripled the interior landscaping as required by code. We agreed to “green engineering” on 57 parking spaces that has never been done yet in Frisco. We doubled the landscape setback at the rear of the store (see concept plan attached for a more typical layout). We agreed to enhanced landscaping in detention area as well as pedestrian connectivity from the neighboring Townhomes into the development.
 - e. Excellence in Government – Doesn’t apply to Private Site.
 - f. Leisure & Culture – Allegiance Development has provided easements as required by the Preston Overlay for public art.
 - g. Civic Involvement – Walmart record of being a civic partner is well documented from Safety Town’s need for candy last Halloween to countless gifts to community partners.
2. 7.13 - Growth Strategy: Focus on Development Efforts on Supporting Infill Development. The page in the comp plan shows a photo of our site as an example of an infill site. The comp plan states that developments like this are to be a first priority.
3. 4.9, 4.10 -Future Land Use Map: Shows the Comp plans land use as Retail. Retail is defined by the zoning ordinance with specific criteria that we exceed in all areas – see description in 1.d. The face of the SUP Exhibit B lists the details.
4. 1.73, 1.74 Green Building Programs – Walmart is a leader in sustainable initiatives in the industry.
5. 6.4 Transportation Strategy – Hickory is designated a commercial collector not a local street.
6. 4.26 Land use Strategy – Community Retail – defines should be at major intersections and along major roadways, and should be easily accessible to pedestrians, bicyclists, and automobiles. This project is located along the major arterial Preston road and has available pedestrian connections.
7. 5.22, 5.33 - Livability Strategy gives bullets on Big Box retail buildings – we meet the criteria.